

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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P.F. ,

24-CV-02333 (PMH)

Petitioner,

ORDER TO SHOW CAUSE FOR
PRELIMINARY INJUNCTION
AND TEMPORARY
RESTRAINING ORDER

– against –

Y.F.,

Respondent,
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ORDERED, that the above named defendant show cause before a motion term of this Court, at Room_____, United States Courthouse, 500 Pearl Street, in the City, County and State of New York, on_____,_____, at _____o'clock in the _noon thereof, or as soon thereafter as counsel may be heard, why an order should not be issued pursuant to Rule 65 of the Federal Rules of Civil Procedure Ordering

1. The defendant during the pendency of this action to Issue an immediate Order prohibiting B.F., Date of Birth May 1, 2014 and M.F., Date of Birth September 11, 2015's removal from the jurisdiction of this court; and
2. Pursuant to the International Child Abduction Remedies Act (ICARA), 22 U.S.C. §§ 9001-9011, and the Hague Convention on the Civil Aspects of Child Abduction, Oct. 25, 1980, TIAS 11,670, 1343 UNTS 98, directing that the

parties' minor children, B.F., Date of Birth May 1, 2014 and M.F., Date of Birth September 11, 2015, be repatriated to Israel, on the grounds that (i) Respondent has wrongfully retained B.F., Date of Birth May 1, 2014 and M.F., Date of Birth September 11, 2015, in the United States in violation of Petitioner's rights of custody, and (ii) the Israel is B.F., Date of Birth May 1, 2014 and M.F., Date of Birth September 11, 2015's state of habitual residence;

3. Pursuant to ICARA, 22 U.S.C. § 9004, granting any and all appropriate provisional remedies, including surrender of Respondent's and B.F., Date of Birth May 1, 2014 and M.F., Date of Birth September 11, 2015's passports, pending determination of this action;
4. Pursuant to Hague Convention art. 2, ICARA, 22 U.S.C. § 9003, and Fed. R. Civ. P. 40, formally according priority to the present action; and
5. Pursuant to ICARA, 22 U.S.C. § 9007(b), awarding Petitioner the costs, counsel fees, and expenses incurred in the prosecution of this action;
6. Grant Judgment in favor of Petitioner directing that B.F., Date of Birth May 1, 2014 and M.F., Date of Birth September 11, 2015 be returned forthwith to Petitioner's care and custody in Israel, pursuant to Article 12 of the Convention; and
7. Issue an immediate Order prohibiting B.F., Date of Birth May 1, 2014 and M.F., Date of Birth September 11, 2015's removal from the jurisdiction of this court, pending the court's hearing and determination on this Petition, which Order shall temporarily restrain Respondent, and any person acting in concert with or participating with Respondent, from taking any action to remove B.F.,

Date of Birth May 1, 2014 and M.F., Date of Birth September 11, 2015 from the jurisdiction of this court pending a hearing and determination on this Petition; and

8. Issue an Order directing that Respondent surrender into the custody of this court Respondent's and B.F., Date of Birth May 1, 2014 and M.F., Date of Birth September 11, 2015's travel documents (including passports and visas), pending a determination of this Petition pursuant to 42 U.S.C.A. § 11604; and
9. Direct that the name of the child shall be entered into the National Crime Information Center (NCIC) computer database in the missing persons section; and
10. Issue an Order directing Respondent to advise Petitioner's counsel and this court in writing of Respondent's and B.F., Date of Birth May 1, 2014 and M.F., Date of Birth September 11, 2015's current address, current telephone number and other contact information to facilitate Petitioner's access to B.F., Date of Birth May 1, 2014 and M.F., Date of Birth September 11, 2015, and that, pending a hearing and determination on the merits of the Petition, Respondent shall notify Petitioner's counsel and this court immediately of any change or contemplated change in such contact information; and
11. Issue an Order directing Respondent shall allow Petitioner access to B.F., Date of Birth May 1, 2014 and M.F., Date of Birth September 11, 2015 for telephonic and personal visitation; and
12. Direct respondent to appear at this court with B.F., Date of Birth May 1, 2014 and M.F., Date of Birth September 11, 2015 at an expedited hearing to show

cause why B.F., Date of Birth May 1, 2014 and M.F., Date of Birth September 11, 2015 should not be returned to Petitioner's care and custody forthwith pursuant to the Hague Convention, ICARA and the New York's UCCJEA; and

13. Issue an Order staying any proceedings in any Court in the State of New York or any other state or territory of the United States concerning the custody of B.F., Date of Birth May 1, 2014 and M.F., Date of Birth September 11, 2015, as required by Article 16 of the Convention; and

14. Grant such other and further relief as this court may deem just and proper, including but not limited to reimbursement of Petitioner's costs in this action, as well as Petitioner's attorneys' fees, pursuant to 42 U.S.C.A. § 11607(b)(3).

and it is further

ORDERED that, sufficient reason having been shown therefor, pending the hearing of plaintiff's application for a preliminary injunction, pursuant to Rule 65, Fed. R. Civ. P., it is hereby

1. ORDERED that, as mandated by ICARA, 22 U.S.C. § 9003(c), the initial process in this action shall be the present Order to Show Cause, in accordance with applicable state law governing process in interstate child custody proceedings, i.e., N.Y. Family Court Act § 651(b); and it is further;
2. ORDERED that electronic service of a copy of this order and annexed affidavit upon the defendant or his counsel on or before _____ o'clock in the ____ noon, _____, _____, shall be deemed good and sufficient service thereof.

DATED: New York, New York

ISSUED:

United States District Judge